

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE ENROLLED ACT No. 1013

AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. Such rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools administered by towns, cities, counties, the northwest Indiana law enforcement training center, agencies, or departments of the state.
- (3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (4) **Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.**

HEA 1013 — Concur+



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(2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having no more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish a police chief executive training program. The program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.

(5) Department policy making.

(6) Firearm policies.

(7) Department programs.

(j) A police chief shall apply for admission to the police chief executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the police chief executive training program within six (6) months of the date the police chief initially takes office. However, if space in the program is not available at a time that will allow the police chief to complete the program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available program that is offered to the police chief after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not serve as the police chief until the police chief has completed the police chief executive training program. For the purposes of this subsection

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U.S. Attorney's Office

46 E. Ohio Street; 5th Floor
Indianapolis, IN 46204

Phone: (317) 226-6333

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Kim Sipocz-Rasheed; Victim Witness Specialist

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Training for Law Enforcement Officers

Hate crimes present serious challenges to the law enforcement community. Apart from the physical and mental injury from the actual crime, hate crimes can lead to further civil unrest. Hate crimes can occur in any community, whether or not it has an identifiable ethnic, racial, or religious group as part of its population.

In an effort to assist law enforcement in meeting the challenges of dealing with hate crimes, the U.S. Attorney in the sixty counties contained in the Southern District of Indiana coordinated a three-phase training initiative beginning in March 1999. The training consists of extensive instruction on how to recognize, investigate, and report incidents of hate crime. Training topics include:

- . History and nature of bias crimes
- . Identifying the crime
- . Bias crime indicators and offender typology
- . Uniform crime reporting requirements
- . Legal issues, legislation, and statutes
- . Guidelines for an effective response
- . Investigative strategies and collection/preservation of evidence
- . Victim trauma
- . Building community strategies and relationships
- . Case study analysis

Training goals include:

- . Enhancing officers' ability to identify, respond to, deter, and investigate hate crimes
- . Strengthening public confidence in the officers and their department to handle the problem
- . Strengthening the capacity of local, state, and federal prosecutors to successfully prosecute hate crime perpetrators
- . Enabling officers to work more effectively within their departments and agencies, and with their broader communities to deter and address hate crime
- . Establishing a coordinated effort with federal, local, and state law enforcement to combat hate crimes
- . Providing officers with additional tools for assisting victims of hate crimes in the diverse populations residing in their communities

Continued . . .

INDIANAPOLIS

LAW ENFORCEMENT



**INDIANA
CIVIL
RIGHTS
COMMISSION**

Sandra D. Leek, Executive Director

Indiana Government Center North
100 N. Senate Avenue, Room N103
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FRANK O'BANNON, Governor

Office: (317) 232-2600
Toll free: (800) 828-2909
Hearing Impaired: (800) 743-3333
FAX: (317) 232-6580



April 13, 2000

Michael Eslinger, Executive Director
Indiana Sheriffs Association, Inc.
1398 North Shadeland Avenue
Indianapolis, Indiana

Dear Mr. Eslinger:

Your assistance is desired in implementing HB1011 Hate Crimes and HB1013 Diversity Training recently signed by Governor O'Bannon.

Enclosed is a draft of a letter inviting chiefs of all law enforcement jurisdictions in the State of Indiana to the May 22, 2000 meeting of the Indiana Civil Rights Commission Hate Crimes Advisory Panel. I believe your participation in this meeting will enhance the successful implementation of this legislation on July 1, 2000.

I have also enclosed, for your information a roster of the members of the Hate Crimes Advisory Panel and description of cultural diversity programs currently being implemented by law enforcement jurisdictions in our state.

At your earliest convenience, please review the draft of the invitation. If there are any changes and/or suggestions, please contact me at 233-6321 or Ilya Klekovkin at 232-2630. We are ready to distribute these invitations to 45 members of the Hate Crimes Taskforce Advisory Panel and to the 419 Chiefs of Police, Sheriffs, and Town Marshals that we have in our database.

Yours truly,

Sandra D. Leek
Executive Director
Indiana Civil Rights Commission

Enclosures
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"Morality cannot be legislated, but behavior can be regulated." M.L. King, Jr.
An Equal Opportunity Employer





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April 13, 2000

Michael Ward, Executive Director
In Assoc. of Chiefs of Police
10293 North Meridian Street
Indianapolis, Indiana

Dear Mr. Ward:

Your assistance is desired in implementing HB1011 Hate Crimes and HB1013 Diversity Training recently signed by Governor O'Bannon.

Enclosed is a draft of a letter inviting chiefs of all law enforcement jurisdictions in the State of Indiana to the May 22, 2000 meeting of the Indiana Civil Rights Commission Hate Crimes Advisory Panel. I believe your participation in this meeting will enhance the successful implementation of this legislation on July 1, 2000.

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April 16, 2000

DRAFT

Dear Law Enforcement Leader:

There is a new law in Indiana that mandates law enforcement jurisdictions to collect and report data on bias crimes committed in our state. The Indiana Association of Chiefs of Police joins the Indiana Civil Rights Commission's Hate Crimes Reporting Network Advisory Panel to discuss the ramifications of this law and to present resources available for complying with this legislation.

You are cordially invited to attend the Indiana Civil Rights Commission's Hate Crimes Reporting Network Advisory Panel Meeting, which will take place on Monday, May 22, 2000, from 10:00 AM till 2:00 PM. The meeting will be held in the Government Center South, Training Center Room 5, at 402 West Washington Street, Indianapolis, Indiana 46204.

The agenda of the meeting will also review new Indiana legislation regarding diversity training for law enforcement personnel. Various state and federal resources will be presented in order to assist you in conducting diversity training for your staff, as well as, training resources on how to recognize and investigate bias crimes.

Aaron Lowery, a consultant to the US Department of Justice, will preview the contents of a diversity training curriculum. David Bossard from the FBI Training Center will present excerpts of the federal government's, no cost, training program on recognition, identification and investigation of hate crimes and bias incidents. Additionally, state resources will be highlighted by the Indiana Law Enforcement Training Academy.

Because the meeting will include a work-through lunch, your response is required. Please R.S.V.P. to Barbara Dobbins of the Indiana Civil Rights Commission on or before Monday, May 15 by phone (317) 232-2644, fax (317) 232-6580, or e-mail bdobbins@crc.state.in.us. The price of lunch is \$10.00 and you can pay by cash or check at the door.

We encourage you to come to this meeting and look forward to seeing you there!

Sincerely,

Sandra D. Leek
Executive Director
Indiana Civil Rights Commission

Michael Ward
Executive Director
Indiana Association of Chiefs of Police

"Morality cannot be legislated, but behavior can be regulated." M.L. King, Jr.
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Law Enforcement Community Relations Coalition

Contact Persons:

Michael Lee Gradison
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Indianapolis, IN 46228-3343
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Sam H. Jones, Jr.
President Indianapolis Urban League
850 N. Meridian Street
Indianapolis, IN 46204
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This Coalition consists of the Indianapolis Police Department (IPD) and the citizens of the five police districts being served. It was formed in 1987 to improve relations between minority constituencies in Indianapolis and the IPD. Members meet on a monthly basis with the County Prosecutor to discuss the inordinately high rates of arrests and prosecutions of African-Americans. The Coalition has also consulted on sensitivity trainings for the IPD Academy.

The new Indianapolis Urban League Headquarters will house a diversity training program that will incorporate the gains made in previous initiatives. This program will then be used to assist private businesses and non-profit programs.

The Coalition's programs have improved community relations between IPD and neighborhood alliances. Positive feedback has been received from all those who have been served. By breaking down barriers in communication and understanding, both IPD and the neighborhoods will benefit.

INDIANAPOLIS

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Law Enforcement Diversity Training

Contact Person:

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One day diversity workshops were held in February 1999 for law enforcement officials in Gary and Bloomington. The focus of the workshops was to increase participants' awareness and to improve their skills to work more effectively in a multicultural environment. Issues addressed personal awareness of discrimination and bias and the empowerment to find solutions to diversity related problems.

Workshop funding was provided by the Fort Wayne Regional Community Policing Institute through a grant received from the U.S. Department of Justice.

The training was provided by Captain Rosemarie Harris of the Indiana University Police Department who has 16 years of experience in law enforcement, 12 years of experience in diversity training, and a degree in criminal justice.

GARY

LAW ENFORCEMENT

Indiana State Police

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Contact Persons:

Jeremey Chapman
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Operation Melting Pot

Operation Melting Pot (OMP) is a project designed to bridge the gap between the non-English speaking community and emergency personnel. A committee was established to identify the needs of the non-English speaking community.

To access this special-needs population, OMP has been using the "English as a Second Language" classes, the adult learning centers, and the schools to disseminate information about what to do in emergency situations. This includes how to get a valid driver's license and properly register a vehicle, and what to expect from police officers during an accident or a traffic stop (See "*Indiana State Police Class for Non-English Speaking Minorities*" in *Supplemental Materials Appendix*). Other topics include personal injury accidents, emergency medical procedures, vehicle towing, crime reporting, and weather-related emergencies.

OMP is providing the non-English speaking population with an emergency card to provide medical personnel with important information and with E911 pamphlets and materials printed in Spanish. A Lilly Grant has been applied for to fund Spanish-to-English dictionaries for ambulances, police cars, schools, libraries, hospitals, and other locations of need. Funding would also be used to provide community speakers on race relations and cultural diversity.

Other strategies include:

- . Churches will unite and broadcast public announcements to create awareness and understanding among residents representing different cultures
- . OMP will provide speakers/consultants to involve the community in programs, live and via TV/radio, which demonstrate emergency procedures
- . OMP will have booths at local fairs and festivals to disseminate emergency cards and other information
- . OMP will work with Logansport Civic Players to create skits, demonstrations, announcements, and cultural programs for live public meetings and for television spots

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and subsection (j), "police chief" refers to:

- (1) the police chief of any city; and
- (2) the police chief of any town having a metropolitan police department.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the police chief executive training program.

(l) An investigator in the arson division of the office of the state fire marshal appointed:

- (1) before January 1, 1994, is not required; or
- (2) after December 31, 1993, is required;

to comply with the basic training standards established under this section.

SECTION 2. IC 11-8-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) All officers and employees of the department, with the exception of the members of the board, members of the parole board, the commissioner, any deputy commissioner, and any superintendent, are within the scope of IC 4-15-2.

(b) IC 11-10-5 applies to teachers employed under that chapter, notwithstanding IC 4-15-2.

(c) The department shall cooperate with the state personnel department in establishing minimum qualification standards for employees of the department and in establishing a system of personnel recruitment, selection, employment, and distribution.

(d) The department shall conduct training programs designed to equip employees for duty in its facilities and programs and raise their level of performance. Training programs conducted by the department need not be limited to inservice training. They may include preemployment training, internship programs, and scholarship programs in cooperation with appropriate agencies. When funds are appropriated, the department may provide educational stipends or tuition reimbursement in such amounts and under such conditions as may be determined by the department and the personnel division.

(e) The department shall conduct a training program on cultural diversity awareness that must be a required course for each employee of the department who has contact with incarcerated persons.

(f) The department shall establish a correctional officer training program with a curriculum, and administration by agencies, to be determined by the commissioner. A certificate of completion shall be issued to any person satisfactorily completing the training program. A

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certificate may also be issued to any person who has received training in another jurisdiction if the commissioner determines that ~~that the~~ training was at least equivalent to the training program maintained under this subsection.

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(5) Minimum qualifications for instructors at approved law enforcement training schools.

~~(5)~~ (6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

~~(6)~~ (7) Minimum basic training requirements which law enforcement officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

~~(7)~~ (8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which in such cases shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e) and (l), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at the northwest Indiana law enforcement training center under section 15.2 of this chapter, the basic training requirements established by the board under this chapter.



(e) Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, use of force, and firearm qualification. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of forty (40) hours of course work. The board may prepare a pre-basic course on videotape that must be used in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including colleges and universities.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed the basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes a minimum of sixteen (16) hours each year of inservice training in any subject area included in the law enforcement academy's basic training course or other job related subjects that are approved by the board as determined by the law enforcement department's or agency's needs. In addition, a certified academy staff may develop and make available inservice training programs on a regional or local basis. The board may approve courses offered by other public or private training entities, including colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to any of the following:

- (1) An emergency situation.



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